

Manuel says SA must learn from Marikana

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THE Marikana tragedy was a result of inequality, Planning Minister Trevor Manuel said during the 11th annual Ruth First Memorial Lecture last night.

“As a country, SA must learn from the Marikana incident. It must be a wake-up call,” he said.

Forty-four people were killed in strike-related violence near Lonmin’s platinum mine in Marikana last year. Police shot dead 34 mineworkers on August 16. Ten people, including two security guards and two policemen, were killed in the preceding week.

Mr Manuel urged SA to support the National Development Plan (NDP) as a blueprint to break the cycle on intergenerational poverty in the country, which was a catalyst for the Marikana tragedy.

“The NDP is a vision and a detailed plan for an SA where all South Africans can share in prosperity ... the aim is to build a new society.” Mr Manuel added that the migrant “labour system and Bantu Education” were added to the lexicon, of economic inequality.

“Living up to this legacy (of First) is our current challenge. The Farlam commission is still wading its way through the task at hand. We must give the commission our fullest confidence. It’s also important to remind ourselves to consider the 10 lives that were lost before the shooting ... it’s not an event, it is a system we must pay attention to.”

Mr Manuel said the underlying causes of the Marikana tragedy stemmed from the “history of colonialism and living conditions of mineworkers and their families. Unjust apportionment of wealth over centuries,” he said.

Mr Manuel said the issues raised by First were no different from those that gave rise to the tragedy in Marikana.

He said the frustration with slow socioeconomic transformation was worsened by government officials “living with posh cars” and defending the slow progress.

After Mr Manuel’s lecture, a protester and a mineworker demanded he answer their questions. “When are you going to do what you have promised to do, Mr Manuel?! Ruth First is spinning in her grave!” the activist said. Mr Manuel did not answer their questions.

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Widows want postponement

MARIKANA: MPOFU URGES DELAY OF COMMISSION

➤ **High Court and Constitutional Court have both rejected plea for state funding.**

The widows of miners killed during strike-related unrest at Marikana last year are in support of the Farlam Commission of Inquiry being postponed, the commission was told yesterday.

Dali Mpofo, representing miners wounded and arrested during the unrest, has requested that the commission be halted as he and his legal team attempt to get funding from the state.

Mpofo and his team have provisionally withdrawn from the commission because of the lack of funding.

A letter from one widow,

Zameka Nungu, was read before the commission yesterday.

In her letter, Nungu said it was important that the commission only proceed in the presence of the miners.

She said besides the journalists, the miners were the only other people who were present when police shot dead their family members at Marikana.

Nungu said the answers all lay with the miners. She did not believe the police version of events prior to the shooting.

She said the outcome of the commission would assist relatives to heal, find closure and see justice served.

Mpofo has been to the High Court and the Constitutional Court to try to compel the state to fund them. Both courts dismissed his application.

He said he would head back to the High Court in Pretoria on September 25 and 26 to appeal

the decision.

The commission, sitting in Centurion, is investigating the deaths of 44 people during strike-related unrest at Lonmin's platinum mining operations at Marikana, near Rustenburg in August last year.

Thirty four people – almost all striking mineworkers – were shot dead in a clash with police on August 16.

Ten people, including two police officers and two security guards, were killed in the preceding week. – *Sapa*.

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Counsel's new strategy

- ▶ Mpofo is set to head back to the High Court in Pretoria next month to appeal the decision.
- ▶ September 25 and 26 vital.

Manuel confronted by Marikana group

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WHAT began as a moment of silence to honour the miners who lost their lives in the Marikana tragedy turned into a screaming match last night.

Members of the Marikana Support Campaign wanted reasons for the miners' deaths.

Yesterday, Minister in the Presidency and National Planning Commission head Trevor Manuel was the guest speaker at the Ruth First Memorial Lecture.

He spoke on the topic "After Marikana: Migration and Mining".

The support campaign claimed that the organisers of the event were reluctant to invite miners to attend or speak at it.

Manuel spoke on the importance of acknowledging the constraints of the mining sector and the enormous tensions in it.

He said the tragedy stemmed principally from unjust economic gains, and that they needed to be dealt with because they were deep-seated and historical.

Manuel said colonial exploitation had denied black people their rights to wealth, citizenship and voting, and the patterns had persisted over the years.

Even though there had been

improvements in the living conditions, "mining remains a prisoner of an apartheid past".

He said this was still very much at the root of the problem.

Manuel said vestiges of the old order still shaped mining, and alienation remained.

The system was premised on migrant labour, where miners spend 11-and-a-half months at a time working and not seeing their families.

Manuel said Marikana showed

the worst effects of poor co-ordination between the mining houses and workers.

He added it was important to have an open and honest assessment by all social partners.

Manuel said South Africa remained a divided society, and it was only through social cohesion, active citizenry, a growing and inclusive economy, and a developmental state that transformation would take place.

He said it was necessary to rebuild society's trust, assist those who were out of reach and tackle apartheid's legacy.

Wits vice-chancellor Adam Habib said the lecture was about discussing ideals and inspiring debate in order to provoke discourse.

After Manuel had delivered his lecture, Marikana Support Campaign members asked when they'd be allowed to ask him questions, to which Professor Anton Harber, who chaired the discussion, responded that questions were not allowed.

"Ruth First would have allowed us to speak... people died because of these policies, and now we must be polite and be treated like this," said a member of the group, as security guards were called in to escort them out of the hall.

Miners heckle Manuel over Marikana killings

MINISTER in the Presidency Trevor Manuel was heckled at the University of the Witwatersrand last night by protesting mineworkers from Marikana, near Rustenburg.

“Why are we invited and not afforded a chance to ask questions?” asked one of them. He wore a green Association of Mineworkers and Construction Union T-shirt.

“Hold on the music,” he called out, after it was announced that Johnny Clegg would perform. The group asked what Manuel had done as a former finance minister to close the gap between the rich and the poor.

Claire Ceruti, of the Democratic Left Front (DLF), led the group as it was escorted from the hall by security.

“We want answers. What have you done?” she shouted.

Earlier, the group held posters outside the hall asking Manuel whether the cabinet had ordered the police to kill protesting mineworkers at Marikana last year.

The police opened fire on striking mineworkers, killing 34 of them while trying to disperse a group gathered on a hill near Lonmin’s platinum mine in Marikana on August 16.

The circumstances surrounding the deaths are being investigated by the Farlam Commission of Inquiry.

Manuel was at the university to deliver the Ruth First memorial lecture. The DLF said First had been a fighter for social and economic justice.

Manuel said the revolt by Marikana mineworkers was a result of inequalities.

“As a country, South Africa must learn from the Marikana incident. It must be a wake-up call,” he said.

He said according to a census report, 40% of people in Marikana lived in informal backyard rooms. Most of them owed more than one loan shark.

The government needed to intervene to address the injustices of the past. “We need a people-centred democracy.”

He said the National Development Plan was intended to address the inequalities of apartheid. “There is a better tomorrow. A better tomorrow that requires sacrifice from all.”

— Sapa

WITHOUT the participation of miners, the commission investigating the Marikana massacre will become the "Money-kana" commission, lawyer Dali Mpofu said yesterday.

"It would be a commission for those who have money," he said.

Mpofu, the miners' legal representative, pleaded with the commission's chairman, retired judge Ian Farlam, to postpone the inquiry as his legal team were without funding.

'Don't turn Marikana into Money-kana'

According to Mpofu, one of his clients said: "It is not the Marikana commission if we, the people of Marikana are not there. The people who will be left there are not from Marikana."

Mpofu wants the inquiry to be put on hold while he applies for funding from the state.

He has taken the matter to the high court and the Constitutional

Court — but both ruled the state was not liable for his expenses.

An appeal will be heard at the Pretoria High Court on September 25 and 26.

The Farlam Commission of Inquiry, seated in Centurion, is investigating the deaths of 45 people during strike-related unrest in Marikana in August last year.

Thirty-four people — almost all

striking mineworkers — were shot dead by the police on August 16.

Ten people, including two police officers and two security guards, were killed in the preceding week, and the body of a man who had been hacked to death was found after the mass shooting.

A letter from one of the widows, Zameka Nungu, was read out to the commission yesterday.

In her letter, Nungu said that, besides journalists, the miners were the only other people who were present when the police opened fire. She said that, for that reason, the miners had to be present at the commission.

All the answers, she said, lay with the miners. She did not believe in the police's version of events.

She called on the commission to reach an outcome that would allow relatives to heal, find closure and see justice served. — *Sapa*

Now it's 'MONEY-kana'!

By **SIMON NARE**

THE Marikana miners believe the government has turned its back on them.

This was what Advocate Dali Mpfu told the Marikana Commission of Inquiry in an application to have the hearing stopped until they've decided what will happen with the funding for the legal expenses.

He said the commission will become known as Money-Kana for those who can afford to participate.

"The impression is that the government, Lonmin and the Black Economic Empowerment partners have turned their backs on them." Mpfu submitted that his clients want the hearing to stop as they were not participating.

"Besides being prejudiced by the continuing process, it was their right to participate," he said.

Mpfu said the government was paying R6 million per month for cops' lawyers and evidence leaders, but his fee was only R340 000 a month. "This commission is a mini-Truth and Reconciliation Commission which can be used to heal and reconcile all the parties."

The widows, in a letter submitted yesterday in support of the postponement, said the truth about what happened on 16 August will never be known without the participation of the miners.

They said they can't attend if the miners were not taking part, because no one can explain the events that led to the death of their loved ones.

Marikana without miners is a 'money-kana'

WITHOUT the participation of miners, the commission probing last year's Marikana shooting would become the "Money-kana" commission, lawyer Dali Mpofu said yesterday.

"It would be a commission for those who have money," he said.

Mpofu, who acts for the miners, was pleading with commission chairperson, retired judge

Ian Farlam, to postpone the commission as he and his legal team were without funding.

He has provisionally withdrawn from the commission.

According to Mpofu, one of his clients said: "If they continue (the commission) without us, they shouldn't call it the Marikana commission. It is not the Marikana commission if we, the people

of Marikana are not there. The people who will be left there are not from Marikana."

Mpofu wants the commission to be put on hold pending the outcome of their efforts to get funding from the state.

He took the matter to the high court and the Constitutional Court in a bid to compel the state to fund his team several weeks ago. Both

courts ruled in favour of the state.

An appeal will be heard in the high court in Pretoria next month.

The Justice Department will oppose any application to post-

pone the inquiry, Farlam said.

The commission sitting in Centurion is investigating the deaths of 44 people during strike-related unrest in Marikana in August last year.

Thirty four people were shot dead by the police. Ten people, including two police officers and two security guards, were killed in the preceding week. - Sapa

Money issues bedevil Marikana

The mineworkers' legal representatives are begging for help as the commission limps along

Lisa Steyn

Advocate Dali Mpofo and his legal team appeared to be at their wits' end this week, pleading with the Marikana commission of inquiry not to proceed without them — the legal representatives of injured and arrested mineworkers.

He warned the investigation would centre around "Money-kana" if it was not postponed to allow time for the team to secure further funding.

The protracted inquiry has seen costs run into tens of millions of rands and the state and Lonmin appear to have deep enough pockets to keep on funding top-notch lawyers. But Mpofo's team has run out of funds and explored nearly every avenue — from applying to Legal Aid South Africa to requesting both the high and Constitutional courts to compel the government to foot the bill — with no success.

At the moment, the commission is continuing without representation for the injured and arrested mineworkers. Representatives of the families of the deceased and the Association of Mineworkers and Construction Union (Amcu) have also withdrawn in solidarity. At present, any witness called to testify is done on the basis of a detailed written statement and short oral evidence.

Mpofo told the commission on Thursday that a group called Citizens for Marikana would try to help to raise money. He also said

that, at a Rustenburg ceremony marking the first anniversary of the Marikana massacre on August 16, miners passed around a bucket for contributions towards their legal fees. The money was mostly in coins and came to a total of R17201.

But the involvement of Mpofo and his team and the issue of their legal fees has recently been criticised.

In an opinion piece on the matter that was published on several platforms, Nathan Geffen, editor of the community journalism project GroundUp, firstly criticised Mpofo for somehow placing himself at the forefront of media attention covering the commission and, secondly, found it "striking" that Mpofo has not worked free of charge for the miners.

"We were approached during the criminal cases to represent the injured and arrested miners," said Henry Msimang, a partner of the legal firm Maluleke Msimang and Associates, which is representing the 270 arrested and injured miners and whose team is led by Mpofo. "No one envisioned there was going to be a commission of inquiry."

The firm took on the criminal cases pro bono and, when the commission came into being, the miners asked that they continue to represent them, he said. It was at this point they realised they would need to seek funding, which has not been easy.

First, they turned to Legal Aid South Africa, which opposed their application for funding as "both the Legal Aid Act and the Legal Aid

Guide provide for legal aid in respect of criminal and civil court proceedings ... As commissions are not provided for in our enabling legislation, we are not funded to provide such services," it said in a press statement.

The legal firm later received R2.8-million emergency funding from the Raith Foundation for the period October 1 until December 31 2012. The foundation, which also funded the Legal Resources Centre (LRC) and the Socio-Economic Rights Institute of South Africa (Seri) to a lesser extent, did not respond to repeated requests for comment but has previously said its grant stipulated "rates for advocates and attorneys comparable to those approved by Legal Aid South Africa".

Legal Aid South Africa said these

rates were between R11000 and R17000 a day for a senior advocate.

Mpofo said this was in line with what the foundation had stipulated.

The LRC, which has also pulled out of the commission's proceedings until the mineworkers are represented, provided the hours billed by its advocate, George Bizos, to the *Mail & Guardian*, showing a total of 724 hours since October 1 last year, with a total amount of R239 342 (about R330 an hour).

Mpofo and his team have often said they had to dig into their own pockets to fund the case before and after funding from the foundation and "I could never be fighting to be paid legal aid rate", Mpofo told the *M&G*. "I could be sitting in my office and earning more than that."

He also said fees would be open to negotiation should a funder come forward.

The other issue is the number of advocates, he said. "We are down to one advocate. The other side, the police and Lonmin, have 12."

Msimang said the question of funding has thrown so many things into the mix.

"At the end of the day we have been called names for coming in to help ... If any other person thinks they can represent the miners, approach them, stop pointing fingers at me, who has at least helped."

Teboho Mosikili, the director of litigation of Seri, which represents Amcu and 34 families at the commission and is a co-applicant in the request for a postponement, said those representing the injured and arrested miners could not also represent the families of the deceased as there would be a conflict of interest.

Mpofo agreed.

"Are there advocates out there who are prepared to work for a year for free? No one has done that, no one has said I'm prepared to take over," Mosikili said.